

### **Remarks**

Claims 1-5, 7-9, 12-14, 22 and 23 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Paukshto et al. ("Two Novel Applications of Thin-Film E-Type Polarizers") in view of Ignatov et al. ("Thin Crystal Film Polarizers and Retarders") and further in view of Suzuki (U.S. Patent Application Publication No. 2002/0089621). Claim 10 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Paukshto et al. in view of Ignatov et al. and further in view of Suzuki (U.S. Patent Application Publication No. 2005/0151905). Claim 11 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Paukshto et al. in view of Ignatov et al. and further in view of Suzuki. Claim 15 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Paukshto et al. in view of Ignatov et al. and further in view of Lazarev et al. ("E-type Polarizers and Retarders"). Claims 16-21 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Paukshto et al. in view of Ignatov et al. and further in view of Kaneko (U.S. Patent Application Publication No. 2002/0145689). Applicant respectfully traverse and submit that the present claims are patentable over the cited art. Reconsideration of these claims is respectfully requested.

When rejecting claims under 35 U.S.C. 103, the Examiner bears the burden of establishing a prima facie case of obviousness. See, e.g., *In re Bell* 26 USPQ2d 1529 (Fed.Cir. 1993); M.P.E.P. Section 2142. To establish a prima facie case, the prior art reference(s) must teach or suggest each and every limitation of the rejected claims, and there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine their teachings. *In re Vaeck*, 20 USPQ2d 1438 (Fed. Cir. 1991); M.P.E.P. Section 2142.

Claim 1 is patentable by calling for a method of making a liquid crystal display comprising setting the direction of liquid crystal directors coinciding with an off-normal viewing direction of the liquid crystal display at the mid-point of the rotational twist when a voltage is applied to the liquid crystal layer by selecting the alignment, material and thickness of the liquid crystal layer whereby a maximum image contrast is achieved in the off-normal viewing direction.

Applicant respectfully submits that the Examiner's argument regarding Claim 1 is using hindsight. The object of the claimed invention is to provide a transmissive, reflective or transfective type of liquid crystal display device capable of producing images that have the highest contrast ratio and brightness in the direction off-normal from the display. No such problem or objective of the claimed invention is disclosed or reasonably suggested in Paukshto or Ignatov. The conception of the claimed invention is that at the mid-point of the rotational

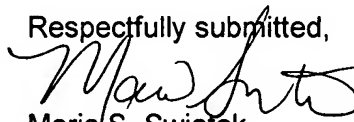
twist, the direction of liquid crystal directors coincide with an offset viewing direction of the liquid crystal display in order to solve the problem of the claimed invention. This is not taught nor suggested in any of the cited documents. Unless the above-mentioned conception is obtained, even with a common knowledge of a person skilled in the art, the configuration of the present invention cannot be adopted, and thus the Examiner's argument regarding Claim 1 is using hindsight.

In view of the foregoing, the rejection of Claim 1 under 35 U.S.C. 103(a) over Paukshto et al. in view of Ignatov et al, and further in view of Suzuki should be withdrawn.

Claims 2-5 and 7-23 depend from Claim 1 and are patentable for the same reasons as Claim 1 and by reason of the additional limitations called for therein.

In view of the foregoing, Applicants respectfully submit that this application is now in condition for allowance. If any matters can be resolved by telephone, the Examiner is invited to call the undersigned attorney at the telephone number listed below. No fees beyond those being submitted concurrently herewith are believed due. However, the commissioner is authorized to charge any additional required fees, or credit any overpayment, to Dorsey & Whitney LLP Deposit Account No. 50-2319 (Order No. A-72195/MSS (477077-102)).

Respectfully submitted,



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